

## CCS#2 HCS SS SCS SB 572 -- MUNICIPALITIES

### MINIMUM STANDARDS FOR MUNICIPALITIES (Section 67.287, RSMo)

This bill provides that the annual audit by a certified public accountant of a municipality's finances that includes a report on internal controls to prevent misuse of funds does not have to be prepared by a qualified financial consultant. A municipality only has to have an accredited police department by 2021 if the municipality has a police department or contracts with another police department for public safety services. Currently, each municipality also must have its construction code reviewed by 2018. This bill specifies that a municipality is not required to adopt an updated construction code.

### NUISANCE ABATEMENT ORDINANCES (Sections 67.398 and 67.451)

Currently, certain cities and counties may enact an ordinance to provide for abatement of nuisances, and the ordinance may provide that if the nuisance is not removed or abated then the building commissioner or designated officer may remove or abate the nuisance. This bill provides that the ordinance must provide to the owner of the property a written notice which describes the condition of the lot, what action will remedy the nuisance, and provides not less than 10 days to abate or commence removal of each condition identified in the notice. If the property owner does not occupy the property, then the notice must be given to any occupant. A city may recover the costs for enforcing the nuisance abatement ordinance by including the fines in the annual real estate tax bill for the property. Any costs and fines not paid by December 31st of that year will be considered delinquent.

### LIABILITY FOR DEBTS OF A MUNICIPALITY (Section 71.980)

The bill specifies that the state is not liable for the debts of a municipality that is financially insolvent.

### DISINCORPORATION PROCEDURES (Sections 77.700, 77.703, 77.706, 77.709, 77.712, 77.715, 79.490, 80.570, 82.133, 82.136, 82.139, 82.142, 82.145, and 82.148)

The bill establishes disincorporation procedures for third class cities, charter cities, and home rule cities. Upon receiving a petition signed by 25% of the voters of the city, the county governing body is required to order an election upon the question of disincorporation of the city. The county governing body must disincorporate the city upon an affirmative vote of a majority of those voting. Whenever the county governing body dissolves a city then the county governing body must appoint a person to act as

trustee for the corporation who must take an oath and give bond with sufficient security. The trustee has certain powers as designated in the bill, such as the power to prosecute and defend the corporation in a law suit, collect money due, and sell property.

The bill decreases the number of signatures required on a petition to disincorporate a fourth class city or a town or village from 50% to 25% of voters, and further decreases the voter approval percentage for disincorporation from 60% of those voting to a majority.

#### MUNICIPAL JUDGES (Section 479.020)

The bill specifies that no municipal court judge can serve as a municipal court judge in more than five municipalities at one time.

#### MUNICIPAL COURTS (Sections 479.350, 479.353, 479.359, 479.360, and 479.368)

The bill changes the definition of court costs to include any certified costs, but excludes fines added to the annual real estate tax bill or a special tax bill of a property owner for the cost of nuisance abatement and removal. The definition of a minor traffic violation is modified to include traffic ordinance violations for which no points are assessed to a driver's driving record and amended charges for any minor traffic violation and adds a definition for municipal ordinance violations.

The maximum allowable fine for minor traffic violations is lowered from \$300 to \$225. For municipal ordinance violations committed within a 12 month period beginning with the first violation: the maximum allowable fine is \$200 for the first offense, \$250 for the second offense, \$350 for the third offense, and \$450 for the fourth and subsequent offenses. No court costs can be charged to defendants found to be indigent. Municipal courts are also required to not charge defendants for costs associated with community service alternatives.

Municipal ordinance violations and amended charges for municipal ordinance violations are added to the calculation limiting the percentage of annual general operating revenue that can come from fines and court costs for minor violations and to provisions regarding fines, imprisonment, and court costs in municipal court cases. Municipal ordinance violations are also added to municipal disincorporation provisions if a municipality fails to remit excess annual general operating revenue to the Department of Revenue for the County School Fund and the disincorporation threshold has been lowered from 60% to a majority of participating voters.